Carlisle Barracks
Equal Employment Opportunity Office

Reasonable Accommodation

Objectives

- Define Reasonable Accommodation (RA)
- Discuss Regulatory Requirements
- Identify Categories and Key Terms
- Outline Process and Manager Responsibilities
- Identify Resources

Definition

- What is Reasonable Accommodation?

"A change in the work environment or in the way things are customarily done which would enable an individual with a disability to enjoy equal employment opportunities."

Why?

- Executive Order – 13164 – July 26, 2000
- Establish written procedures for RA requests
- Remove barriers
- Expand pool of qualified workers
- Equal Employment Opportunity Commission (EEOC)
- Rehabilitation Act of 1973

Three Categories of Reasonable Accommodations

- Changes to a **job application process**, i.e., large print or Braille.

- Modifications to **work environment** or way a **essential job functions** (interpreters, readers, computer software).

- Adjustments that enable disabled employees to **enjoy equal benefits and privileges** (removing physical barriers in an office, access to training).

Key Terms

Undue Hardship – Significant difficulty or expense

-Agencies **DO NOT** have to provide reasonable accommodations that pose undue hardship

Essential Functions – fundamental to a position that the individual cannot do the job w/out being able to perform them.

Procedures

Employee or job applicant may initiate a request orally or in writing

May an agency require that individuals with disabilities use particular words to request a reasonable accommodation?

NO

Example: Employee tells supervisor, “I’m having trouble getting to work at my scheduled starting time because of the anti-depressants I take.”

Agency must start to consider the request whether or not employee is entitled to an accommodation or not.

Procedures

- Manager reviews Request **(Written or Verbal)**
- RA Request Form completed and submitted to EEO Office
- Manager considers and approves Requests (whenever

  possible)
  - Processing the request should **not exceed 30 days**
  - Delay in processing, requester will be notified in writing

    of delay

Medical Information

- If the disability/need are not obvious or already known to the employer, relevant medical information related to the disability and RA must be provided.

- Additional information may be requested:
  - NOT clearly explain nature of disability
  - NOT clarify how accommodation will assist employee

- It may be reviewed by Occupational Health or medical expert at Employer's Expense

Medical Information, cont

- Confidential; shared only on a "need to know basis"
- Files must be kept separate, and will be maintained by the EEO Office, along with the Request Form
- Medical information may not be requested where:
  - Both disability and need are obvious or already known
  - Sufficient documentation has already been provided

Examples

- Making existing facilities accessible
- Job restructuring
- Part-time or modified work schedules
- Acquiring or modifying equipment
- Changing tests, training materials, or policies
- Providing qualified readers or interpreters
- Flextime or telework
- Reassignment:
  - **ONLY** to a **vacant** position
  - Law does not require creation of new positions
  - If employee is qualified – should be reassigned – does not have to compete

Examples of Accommodations NOT Provided

Anything used outside of the job:

- Prosthetic limb
- Wheelchair
- Eyeglasses
- Hearing aids

No personal use amenities:

- Hot pots
- Refrigerators

Denials

- Written notification.
- If an alternate RA is offered, justification for that decision should be explained.
- Must provide an explanation of informal procedures available for a review of the denial action:
  - Informal discussion with decision-maker
  - Appeal to next level of supervision
  - ADR (not required to file an EEO Complaint)

Informal Procedures and EEO Complaints

- Aforementioned informal procedures must be in addition to, not replacement of, the formal process
- They are voluntary and cannot be used to limit an individual's rights
- These procedures do not affect time limits
- Servicing EEO Offices can provide information regarding the filing of an EEO discrimination complaint

Documentation

- Keep separate from other records to maintain CONFIDENTIALITY.
- Maintain documentation for the duration of that employee's employment.
- Tracking information maintained by EEO Office

Resources

Equal Employment Opportunity Office

22 Ashburn Drive

Carlisle Barracks, PA 17013-5015

Office: (717) 245-3950 or 3151

FAX: (717) 245-4249

Computer/Electronic Accommodation Program (CAP)

Defense Medical System Support Center

5111 Leesburg Pike, Suite 810

Falls Church, VA 22041-3206

(703) 681-8811

Job Accommodation Network (JAN)

918 Chestnut Ridge Road

Suite 1, West Virginia University

Morgantown, WV 26506-6080

1-800-526-7234

Equal Employment Opportunity Office
Anne Ely Hall
46 Ashburn Drive

Rose Aguigui
Equal Employment Manager
(717) 245-3950 or (717) 245-3151

Room 222, 2d floor
Office Hours, 0730-1630

QUESTIONS